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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. CR 02-220-HA

Plaintiff

ORDER FOLLOWING NINTH CIRCUIT
MANDATE REMANDING THIS CASE
TO THE DISTRICT COURT OF OREGON
FOR AN AMELINE DETERMINATION

v.

CLEBURN BRIGHAM, JR.

Defendant.

On May 5, 2006, the Ninth Circuit Court of Appeals remanded this case for an Ameline determination as to whether the Court would have imposed a different sentence if it were aware that the federal sentencing guidelines were advisory and not mandatory.

Defendant pled guilty to Counts 1 through 6 of the Indictment:

Counts 1, 2, & 4 - False Statements on Loan Application

Count 3 - False Statements to the U. S. Small Business Administration

Counts 5 and 6 - Misuse of Social Security Number

The Court, after review of the pre-sentence report, concludes that defendant would not have received a materially different sentence if the sentencing guidelines would have been deemed advisory. Therefore, the Court finds that there is no need for a re-sentencing.

DATED this 17th day of July, 2006.


ANCER L. HAGGERTY
CHIEF U. S. DISTRICT COURT JUDGE